IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 13409 of 2004

Between:

Kondaveeti Sri Rangarao, S/o.Subbarao,
Taluk office Road, Podili, Prakasam Dist.

..... PETITIONER

AND

1 The Chairman & M.D.Andhra Bank, Head office, Saifabad, Hyderabad.
2 Andhra Bank rep.by its Dy.General Manager, Zonal office, Guntur.
3 The Authorised officer, Andhra Bank, Branch office, Ongole, Prakasam Dist.
4 The Manager, Andhra Bank, Podili, Prakasam Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of Mandamus declaring the action of the Respondents in issuing the impugned public auction notice dated 2-7-2004 inviting tenders to sell the property situated in D.No.5/10,5/8 and 7/741, ward No.5, Taluk office Road, Podili, Prakasam District i.e. 429 1/3 Sq.yards of site and Residential Building in the public auction scheduled to be held on 4-8-2004 or subsequent date as highly illegal, improper, arbitrary, unjust and violation of Art.14 and 300-A of the constitution of India and consequently direct the Respondents to consider the representation of the petitioner dated 24-9-2003 and 24-7-2004 for one Time settlement of the loan amount due to the Respondents by giving reasonable time and to pass.

Counsel for the Petitioner:MR.P.PHALGUNA RAO

Counsel for the Respondent No.: .

The Court made the following :

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ORAL ORDER:

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This petition is filed seeking writ of mandamus declaring the action of the respondents in issuing the impugned public auction notice dated 2-7-2004 inviting tenders to sell the property situated in D.No.5/10, 5/8 and 7/741, ward No.5, Taluk Office road, Podili, in public auction to be held on 4-8-2004 or subsequent date as highly illegal, improper and consequently direct the respondents to consider the representation of the petitioner dated 24-9-2003 and 24-7-2004 for one time settlement of the loan amount due to the respondents by giving reasonable time and for other orders.

Learned counsel for the petitioner submits that petitioner is ready to pay the amount and that the proposed auction may not be allowed to go on and sought for a direction to that effect.

If that be the case, the petitioner can always be at liberty to approach the Recovery Officer/3rd respondent under Rule 11 of Schedule II of the Income Tax Rules which is made applicable for such sales. On petitioner approaching the third respondent for deposit of the amounts, it is for the third respondent to consider the same and pass appropriate orders.

Accordingly the writ petition is disposed of.

A. GOPAL REDDY, J

Dt. 30-7-2004

Kvrk.

To

1 The Chairman & Managing Director, Andhra Bank, Head Office, Saifabad, Hyderabad.
2 The Dy. General Manager, Andhra Bank Zonal Office, Guntur.
3 The Authorised Officer, Andhra Bank, Branch Office, Ongole, Prakasam District.
4 The Manager, Andhra Bank, Podili, Prakasam District.

5. Two CD copies.